

JOURNAL OF THE HOUSE.

Thursday, December 15, 2005.

Met at ten minutes past eleven o'clock A.M., in an Informal Session, with Mrs. Harkins of Needham in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Prayer. God of Compassion and Truth, at this time of the year our hearts and minds are filled with the spirit of joy, hope, peace and thoughtfulness of others. This season offers us opportunities for gatherings and celebrations with family, relatives, neighbors and friends whom we sometimes neglect. The festival of lights opens our eyes to the reality of You, Our Creator, and to the vast and wonderful world in which we live. The Christmas season reminds us of our material and spiritual blessings and the many needs of other people in our communities.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

Pledge of allegiance. At the request of the Chair (Mrs. Harkins), the members, guests and employees joined with her in reciting the pledge of allegiance to the flag.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Peter and Cornelia Koutoujian. Resolutions (filed by Mr. Koutoujian of Waltham) congratulating Peter and Cornelia Koutoujian on the occasion of their forty-fifth wedding anniversary;

Roger M. Singer. Resolutions (filed by Mr. Mariano of Quincy) on the retirement of Roger M. Singer;

Hopedale High School boys cross country team. Resolutions (filed by Mrs. Parente of Milford) congratulating the Hopedale Junior Senior High School "Raiders" Division II Boys Cross Country team;

Hopedale High School girls soccer team. Resolutions (filed by Mrs. Parente of Milford) congratulating the Hopedale Junior Senior High School "Raiders" Division III Girls soccer team; and

Nipmuc High School girls soccer team. Resolutions (filed by Representatives Parente of Milford and Peterson of Grafton) congratulating the Nipmuc Regional High School "Warriors" Girls varsity soccer team;

Mrs. Parente, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Sciortino of Somerville, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petition.

Mr. Jones of North Reading presented a petition (accompanied by bill, House, No. 4573) of Bradley H. Jones, Jr., and Bruce E. Tarr (by vote of the town) relative to town meetings in the town of North Reading; and the same was referred to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

North Reading, town meeting.

Papers from the Senate.

The House Bill making appropriations for the fiscal year 2006 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4560) came from the Senate passed to be engrossed, in concurrence, with the following amendments:

Supplemental appropriations.

In section 2A, adding at the end thereof the following item:

"8100-0011 For a grant program to be known as 'Senator Charles E. Shannon, Jr. Community Safety Initiative', to be administered by the executive office of public safety, to support regional, multi-disciplinary approaches to combat gang violence through coordinated programs for prevention and intervention; coordinated law enforcement, including regional gang task forces and regional crime mapping strategies; focused prosecutions; and reintegration strategies for ex-convicts; provided, that the secretary of public safety shall distribute grant funds through a competitive grant program that gives preference to applications that: (1) demonstrate high levels of youth violence, gang problems and substance abuse in a region; (2) demonstrate a commitment to regional, multi-jurisdictional strategies to deal with those community safety issues, including written commitments for municipalities, law enforcement agencies, community-based organizations and government agencies to work together; (3) clearly outline a comprehensive plan for municipalities to work with law enforcement, community-based organizations and government agencies to address gang activity; (4) make a written commitment to match grant funds with a 25 per cent match provided either by municipal or private contributions; and (5) identify a local governmental unit to serve as fiscal agent; provided further, that clusters of municipalities, in partnership with nonprofit organizations and other agencies, including district attorneys' offices, shall be eligible to apply for these funds; provided further, that those funds shall be considered one-time and grants awarded to public agencies shall not annualize in fiscal year 2007; provided further, that administrative costs for

Supplemental appropriations.

successful grant applications shall not exceed 3 per cent of the value of the grant; provided further, that no grants shall be awarded to the department of state police; provided further, that no grant funds shall be expended on food or beverages; provided further that the executive office of public safety shall publish guidelines and an application for the competitive portion of the grant program not later than April 15, 2006 and that awards shall be made to applicants not later than June 15, 2006; provided further, that the executive office of public safety may expend not more than \$100,000 of the sum appropriated in this item for its costs in administering this program; provided further, that the executive office of public safety shall submit a report to the house and senate committees on ways and means detailing the amount of the grants awarded to recipients and descriptions of the grants; and provided further, that each grant recipient shall provide the executive office of public safety with a comprehensive list of the best practices that have been instituted as a result of these grants ..... 11,000,000”;

Inserting before section 3 (as printed) the following section:  
“SECTION 3. Subparagraph (i) of paragraph (5) of subsection (1) of section 6 of chapter 62 of the General Laws, as appearing in section 1 of chapter 158 of the acts of 2005, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— All or any portion of tax credits issued in accordance with this subsection may be transferred, sold or assigned to other taxpayers with tax liabilities under this chapter of chapter 63.”; and

Adding at the end thereof the following section:  
“SECTION 5. Section 3 shall be effective for tax years beginning on or after January 1, 2006 and before January 1, 2013.”.

Under suspension of Rule 35, on motion of Mr. Sciortino of Somerville, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn, as changed) were considered forthwith; and they were adopted, in concurrence.

Commercial fisheries, sustain.

A report of the committee on Environment, Natural Resources and Agriculture, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 550) of Bruce E. Tarr, Mark C. Montigny, Robert O’Leary, Robert L. Hedlund, other members of the General Court and another for legislation to promote the viability and sustainability of commercial fisheries in the Commonwealth, and recommending that the same be referred to the committee on Bonding, Capital Expenditures and State Assets,—accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Petition (accompanied by bill, Senate, No. 2311) of Mark C. Montigny, John F. Quinn, Barbara L’Italien, Douglas W. Petersen and other members of the General Court for legislation to prohibit alcohol beverage vaporizers. To the committee on Consumer Protection and Professional Licensure. Alcoholic beverage vaporizers.

Petition (accompanied by bill, Senate, No. 2312) of Steven A. Tolman and Bruce E. Tarr for legislation to reduce health care costs and improve patient care. To the committee on Health Care Financing. Health care costs.

Petition (accompanied by bill, Senate, No. 2313) of Brian A. Joyce for legislation to further regulate the prevention of homelessness. To the committee on Housing. Homelessness.

Petition (accompanied by bill, Senate, No. 2314) of Stephen M. Brewer for legislation relative to the survivor benefits of Arline M. Grammo. To the committee on Public Service. Arline M. Grammo.

Petition (accompanied by bill, Senate, No. 2315) of Stanley C. Rosenberg, Brian P. Lees, Scott P. Brown, Mark C. Montigny and other members of the General Court for legislation relative to regional transit authority current financing and service fund; and Transit authorities.

Petition (accompanied by bill, Senate, No. 2316) of Bruce E. Tarr, Anne M. Gobi, Richard R. Tisei, Cynthia S. Creem, other members of the General Court and others for legislation to enhance the license plate system of the Commonwealth; License plates.

Severally to the committee on Transportation.

*Reports of Committees.*

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the following petitions:

Petition (accompanied by bill) of David B. Sullivan relative to the the Truesdale Clinic in the city of Fall River. To the committee on Consumer Protection and Professional Licensure. Fall River, Truesdale Clinic.

Petition (accompanied by bill) of Civil War Roundtable of Greater Boston and others for legislation to require field trips to historic sites for public school students enrolled in history and civic classes. To the committee on Education. History, teaching.

Petition (accompanied by bill) of Bradford Hill and others relative to the indictment, trial, conviction and execution of Elizabeth Jackson Howe for “witchcraft” in the year sixteen hundred and ninety-two; and Witchcraft, trials.

Petition (accompanied by bill) of Thomas M. Petrolati for legislation to impose a fine on defendants for failure to make mandatory court appearances; Defendants, court appearances.

Severally to the committee on the Judiciary.

Petition (accompanied by bill) of John J. Binienda and Edward M. Augustus, Jr., relative to the boundaries of the Cherry Valley and Rochdale Water District. To the committee on Municipalities and Regional Government. Cherry Valley and Rochdale.

Petition (accompanied by bill) of Robert Correia and others relative to the installation of automatic sprinkler systems in certain buildings and the establishment of fire safety programs; and Fire safety, sprinklers.

Forest Fire  
Control.

Petition (accompanied by bill) of Kathleen M. Teahan and others relative to the Bureau of Forest Fire Control within the Department of Environmental Management;

Tewksbury,  
Robert C.  
Conley.

Severally to the committee on Public Safety and Homeland Security.  
Petition (accompanied by bill) of James R. Miceli and Susan C. Tucker for legislation to authorize the certification of Robert C. Conley as a state police officer, notwithstanding the maximum age requirements; and

Public  
retirees,  
life  
insurance.

Petition (accompanied by bill) of Robert F. Fennell for legislation to regulate the termination of life insurance of certain retired public employees;

Severally to the committee on Public Service.

Highways,  
breakdown  
lanes.

Petition (accompanied by bill) of Matthew C. Patrick and others for legislation to further regulate the use of break down lanes on certain roadways in the Commonwealth. To the committee on Transportation.

National  
Guard,  
hazardous  
exposures.

Petition (accompanied by bill) of Matthew C. Patrick and others relative to benefits for members of the National Guard exposed to depleted uranium in the Persian Gulf War and the current conflict in Iraq. To the committee on Veterans and Federal Affairs.

Under suspension of the rules, on motion of Mr. Stanley of Waltham, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

Marion  
Dawicki,  
sick leave  
bank.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill establishing a sick leave bank for Marion Dawicki, an employee of the Trial Court (House, No. 4554) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mrs. Paulsen of Belmont, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Bosley of North Adams, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

#### *Engrossed Bills.*

Bills  
enacted.

Engrossed bills  
Relative to the board of assessors of the town of Provincetown (see House, No. 4096); and

Establishing a department of public works in the town of West Newbury (see House, No. 4271);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

#### *Recesses.*

Recesses.

At a quarter after eleven o'clock A.M., on motion of Mr. Flynn of Bridgewater (Mrs. Harkins of Needham being in the Chair), the House recessed until a quarter before twelve o'clock noon; and at

that time the House was called to order with Mrs. Parente of Milford in the Chair.

The House thereupon took a further recess, on motion Mr. Peterson of Grafton, until half past twelve o'clock; and at twenty minutes before one o'clock P.M. the House was called to order with Mrs. Harkins in the Chair.

#### *Emergency Measure.*

The engrossed Bill making appropriations for the fiscal year 2006 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4560, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Supplemental  
appropriations.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 7 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill  
enacted.

#### *Recesses.*

At seventeen minutes before one o'clock P.M., on motion of Mr. Smizik of Brookline (Mrs. Harkins of Needham being in the Chair), the House recessed until half past one o'clock P.M.; and at that time the House was called to order with Mrs. Harkins in the Chair.

Recesses.

The Chair (Mrs. Harkins) thereupon declared a further recess, until twenty minutes before two o'clock P.M.; and at eleven minutes before two o'clock P.M. the House was called to order with Mrs. Harkins in the Chair.

#### *Orders of the Day.*

The Senate Bill authorizing the town of Palmer to grant two additional licenses for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 2281) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

Third  
reading  
bill.

#### *House bills*

Relative to the board of selectmen of the town of Upton (House, No. 4373); and

Authorizing the city of Gardner to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 4558);

Third  
reading  
bills.

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Horse and  
greyhound  
simulcasting, -  
extension.  
Quorum.

The House Bill extending the simulcast expiration date for the horse and greyhound racing industry in the Commonwealth (House, No. 4571), was considered.

Pending the question on adoption of the amendment offered, at the preceding sitting, by Mr. Flynn of Bridgewater, and the main question on ordering the bill to a third reading, Mr. Ross of Wrentham asked for a count of the House to ascertain if a quorum was present.

A quorum not being in attendance, the Chair (Mrs. Harkins of Needham), at twenty-five minutes after two o'clock P.M., under the provisions of Rule 82, declared an adjournment of the House until Monday next at eleven o'clock A.M., in an Informal Session.